

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1306 be amended to read as follows:

- 1 Page 7, between lines 7 and 8, begin a new paragraph and insert:
- 2 "SECTION 4. IC 34-30-2-156.5 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2007]: **Sec. 156.5. IC 36-8-16.5-51**
- 5 **(Concerning commercial mobile radio service providers for**
- 6 **disclosure of automatic location identification or automatic**
- 7 **number identification information to a law enforcement officer).".**
- 8 Page 9, after line 6, begin a new paragraph and insert:
- 9 "SECTION 7. IC 36-8-16.5-51 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2007]: **Sec. 51. (a) This section applies to a**
- 12 **CMRS provider that provides CMRS to a subscriber.**
- 13 **(b) A CMRS provider shall disclose a subscriber's automatic**
- 14 **location identification and automatic number identification**
- 15 **information to a law enforcement officer upon request if an**
- 16 **emergency situation exists that involves immediate danger of death**
- 17 **or serious bodily injury to any person, including a situation in**
- 18 **which there is a credible report of an unexplained missing person.**
- 19 **This subsection does not affect the written policy of a CMRS**
- 20 **provider concerning the disclosure of a subscriber's automatic**
- 21 **location identification or automatic number identification**
- 22 **information in a nonemergency situation.**
- 23 **(c) Unless a subscriber executes a consent to the disclosure of**
- 24 **the subscriber's automatic location identification or automatic**

1 **number identification information before a law enforcement**
2 **officer receives information concerning a subscriber under this**
3 **section, the law enforcement officer who receives information**
4 **concerning a subscriber from a CMRS provider under this section**
5 **shall provide the CMRS provider with a copy of a valid warrant or**
6 **subpoena authorizing the disclosure of the subscriber's automatic**
7 **location identification and automatic number identification**
8 **information not later than forty-eight (48) hours after the law**
9 **enforcement officer makes the request under subsection (b).**

10 **(d) The failure of a law enforcement officer to apply for a**
11 **warrant or subpoena described in subsection (c) may be punishable**
12 **by up to one (1) year imprisonment under 18 U.S.C. 3121.**

13 **(e) A CMRS provider that discloses information in good faith**
14 **under subsection (b) is immune from civil liability for disclosing**
15 **the information. This subsection does not apply to acts or omissions**
16 **amounting to gross negligence or willful or wanton misconduct."**

17 Renumber all SECTIONS consecutively.

(Reference is to HB 1306 as printed February 16, 2007.)

Representative Ruppel